

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated October 18, 2005, in which: claims 1-47 were rejected under 35 USC § 102 as being unpatentable over US Patent Application Publication No. 2002/0059425 of Belifiore et al. (hereinafter Belifiore). Claims 1-68 are pending. Claims 1-47 have been amended. New claims 48-106 have been added. No new matter has been added. Reconsideration of the above-referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

It is noted that claims 1-47 have been amended; however, these amendments are not in response to prior art or a rejection or objection from the Examiner. Claims 1-47 have been amended to clarify Assignee's claimed subject matter. Furthermore, the amendments to claims 1-47 do not narrow the scope of those claims, and in some instances, broaden the claims. It is, therefore, asserted that no prosecution history estoppel should result from these amendments. Support for these changes are provided throughout the specification.

It is noted that claims 48-106 have been added. Support for these claims is found throughout the application, such as pages 15-17, for example.

The Examiner has rejected claims 1-47 under 35 USC § 102 as being anticipated by Belifiore. This rejection by the Examiner of these claims is respectfully traversed.

As is well-established, to make a prima facie rejection under 35 USC 102, the Examiner must provide a prior art document that includes each and every element and limitation of the rejected claim or claims. If even a single limitation is not present in the cited document, then the Examiner has failed to make a proper rejection under 35 USC 102.

Regarding the substance of the Examiner's rejections, we begin with claim 1, as amended. Regarding this claim, the document cited by the Examiner does not make out a prima facie rejection

under 35 USC § 102 because Belifiore does not disclose each and every element of claim 1. As just one example, Belifiore does not disclose “supplying an asset list over said network to a user device, said user device including a client process” as recited by claim 1.

More generally, it should be noted that Belifiore does not even appear to address the problems addressed by the subject matter of the above-referenced patent application. For example, Belifiore states “the present invention, [] is a distributed computing platform that facilitates more Internet-based collaboration and more inter-Web site communication.” See Belifiore, paragraph [00015], lines 2-4. However, Assignee’s claimed subject matter is not related to distributed computing. In light of this, it is respectfully asserted that the Examiner’s rejection of these claims has been traversed. It is, therefore, respectfully requested that this rejection of claim 1 on this ground be withdrawn.

The remaining rejected claims all patentably distinguish from Belifiore on at least on the same and/or a similar basis. Thus, it is also requested that the Examiner withdraw the rejection of these claims on this ground as well. Likewise, it is asserted that new claims 48-106 patentably distinguish from the cited documents on at least the same and/or a similar basis as claims 1-47. Assignee likewise asserts that all pending claims patentably distinguish from the documents cited in the Information Disclosure Statement will be filed shortly. Thus, it is respectfully requested that the Examiner allow these new claims to proceed to issuance.

For at least the reasons above, Assignee respectfully submits that claims 1-106 are allowable and requests that the Examiner permit these claims to proceed to issuance. Although additional arguments are believed to exist for distinguishing the cited documents, the foregoing is believed sufficient to address the Examiner’s rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner’s position. Instead it is believed that the Examiner’s positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Consideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

Dated: _____

April 18, 2006

[Signature]

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